

**SEMINOLE COUNTY GOVERNMENT  
BOARD OF ADJUSTMENT  
AGENDA MEMORANDUM**

**SUBJECT:** REQUEST FOR SPECIAL EXCEPTION TO ESTABLISH GASOLINE PUMPS AS AN ACCESSORY USE TO A CONVENIENCE STORE IN THE PUD (PLANNED UNIT DEVELOPMENT DISTRICT) AT THE SOUTHEAST CORNER OF THE INTERSECTION OF TUSKAWILLA ROAD AND S.R. 426; (MICAH SAVELL, APPLICANT).

**DEPARTMENT:** Planning & Development **DIVISION:** Planning

**AUTHORIZED BY:** Earnest McDonald **CONTACT:** Francisco Torregrosa **EXT.** 7387

**Agenda Date** 04-26-04 **Regular** ☐ **Consent** ☐ **Public Hearing – 6:00** ☒

**MOTION/RECOMMENDATION:**

1. **APPROVE** THE REQUEST FOR SPECIAL EXCEPTION TO ESTABLISH GASOLINE PUMPS AS AN ACCESSORY USE TO A CONVENIENCE STORE IN THE PUD (PLANNED UNIT DEVELOPMENT DISTRICT) AT THE SOUTHEAST CORNER OF THE INTERSECTION OF TUSKAWILLA ROAD AND S.R. 426 SUBJECT TO STAFF RECOMMENDATIONS; (MICAH SAVELL, APPLICANT); OR
2. **DENY** THE REQUEST FOR SPECIAL EXCEPTION TO ESTABLISH GASOLINE PUMPS AS AN ACCESSORY USE TO A CONVENIENCE STORE IN THE PUD (PLANNED UNIT DEVELOPMENT DISTRICT) AT THE SOUTHEAST CORNER OF THE INTERSECTION OF TUSKAWILLA ROAD AND S.R. 426; (MICAH SAVELL, APPLICANT); OR
3. **CONTINUE** THE REQUEST TO A TIME AND DATE CERTAIN.

<b>GENERAL INFORMATION</b>	MICAH SAVELL, APPLICANT FOR TRINITY CAPITOL LTD, OWNER 110 S. COURTNEY PARKWAY MERRITT ISLAND, FL 32952	TRINITY CENTER PUD, C-1 USES LDC SECTION 30.743(c); (GASOLINE PUMPS AS AN ACCESSORY USE)
<b>BACKGROUND / REQUEST</b>	<ul style="list-style-type: none"> <li>• THE APPLICANT PROPOSES TO ESTABLISH GASOLINE PUMPS AS AN ACCESSORY USE TO A CONVENIENCE STORE IN THE TRINITY RETAIL CENTER PUD.</li> <li>• THE DEVELOPER'S COMMITMENT AGREEMENT ALLOWS USES CONSISTENT WITH C-1 DISTRICT PERMITTED AND SPECIAL EXCEPTION USES ON THE SUBJECT PROPERTY, WHICH IS IDENTIFIED ON THE TRINITY CENTER PUD FINAL MASTER PLAN AS A COMMERCIAL TRACT.</li> <li>• WITHIN IN THE C-1 DISTRICT, GASOLINE PUMPS ARE PERMITTED ONLY BY SPECIAL EXCEPTION.</li> </ul>	

ZONING & FLU	DIRECTION	EXISTING ZONING	EXISTING FLU	USE OF PROPERTY
	SITE	PUD	HIP-TR	VACANT
	NORTH	PUD & PCD	HIP-TR & PD	CONVENIENCE STORE & RESIDENTIAL
	SOUTH	PUD	HIP-TR	TOWNHOMES
	EAST	PCD	HIP-TR	SELF STORAGE
	WEST	PUD	HIP-TR	TOWNHOMES
STANDARDS FOR GRANTING A SPECIAL EXCEPTION; LDC SECTION 30.43(b)(2)	THE BOARD OF ADJUSTMENT (BOA) SHALL HAVE THE POWER TO HEAR AND DECIDE SPECIAL EXCEPTIONS IT IS SPECIFICALLY AUTHORIZED TO PASS UNDER THE TERMS OF THE LAND DEVELOPMENT CODE UPON DETERMINATION THE USE REQUESTED:			
	<u><b>IS NOT DETRIMENTAL TO THE CHARACTER OF THE AREA OR NEIGHBORHOOD OR INCONSISTENT WITH TRENDS OF DEVELOPMENT IN THE AREA:</b></u>			
	THE PROPOSED USE WOULD REPRESENT THE DEVELOPMENT OF A VACANT COMMERCIAL TRACT WITHIN THE TRINITY CENTER PUD. THE PROPOSED USE IS SIMILAR TO OTHER COMMERCIAL USES OCCURRING ALONG W. STATE ROAD 426. FOR THIS REASON, STAFF DOES NOT BELIEVE THE PROPOSED GASOLINE PUMPS AS AN ACCESSORY USE TO A CONVENIENCE STORE WOULD BE DETRIMENTAL TO THE CHARACTER OF SURROUNDING DEVELOPMENT.			
	<u><b>DOES NOT HAVE AN UNDULY ADVERSE EFFECT ON EXISTING TRAFFIC PATTERNS, MOVEMENTS AND VOLUMES:</b></u>			
	THE PROPOSED CONVENIENCE STORE AND 10 GASOLINE PUMPS (20 FUELING POSITIONS) IS ESTIMATED TO GENERATE BETWEEN 200 AND 270 TRIPS PER PEAK (A.M. AND P.M.) HOUR OF OPERATION. ACCORDING TO THE 2003 TRAVEL TIME AND DELAY STUDY CONDUCTED BY THE TRAFFIC ENGINEERING DIVISION, THE INTERSECTION IS CURRENTLY OPERATING AT A LEVEL OF SERVICE (LOS) "F" DURING A.M. PEAK TIME AND LOS "E" DURING P.M. PEAK TIME. HOWEVER, CAPACITY ALONG THE ADJOINING ROAD NETWORK WAS DETERMINED TO BE SUFFICIENT FOR THE RANGE OF PERMITTED AND SPECIAL EXCEPTION USES ALLOWABLE IN THE TRINITY CENTER PUD'S COMMERCIAL TRACT AT THE TIME OF FINAL MASTER PLAN APPROVAL.			
	<u><b>IS CONSISTENT WITH THE SEMINOLE COUNTY VISION 2020 COMPREHENSIVE PLAN:</b></u>			

	<p>THE SEMINOLE COUNTY VISION 2020 COMPREHENSIVE PLAN DESCRIBES HIP-TR (HIGHER INTENSITY PLANNED DEVELOPMENT – TRANSITIONAL) AS A FUTURE LAND USE CATEGORY APPROPRIATE FOR A VARIETY OF HIGHER INTENSITY USES (INCLUDING CONVENIENCE STORES WITH ACCESSORY GASOLINE PUMPS) THAT ARE LOCATED AT THE INTERSECTIONS OF MAJOR ROADWAYS AND ALONG MAJOR ROADWAYS AS INFILL DEVELOPMENT WHERE THE USE IS ALREADY ESTABLISHED.</p> <p>WITH THE IMPOSITION OF STAFF'S RECOMMENDED CONDITIONS, THE PROPOSED CONVENIENCE STORE WITH ACCESSORY GASOLINE PUMPS WOULD BE CONSISTENT WITH THIS DESCRIPTION, GIVEN THE SUBJECT PROPERTY'S LOCATION ON W. STATE ROAD 426, WHICH IS DEFINED AS A PRINCIPAL ARTERIAL ROADWAY.</p> <p><b><u>MEETS ANY ADDITIONAL REQUIREMENTS SPECIFIED IN THE CODE SECTION AUTHORIZING THE USE IN A PARTICULAR ZONING DISTRICT OR CLASSIFICATION:</u></b></p> <p>BASED ON THE SUBMITTED SITE PLAN, THE PROPOSED USE WOULD MEET THE MINIMUM AREA AND DIMENSIONAL REQUIREMENTS OF THE TRINITY RETAIL PUD THAT EQUATE TO THOSE OF THE C-1 DISTRICT.</p> <p><b><u>WILL NOT ADVERSELY AFFECT THE PUBLIC INTEREST:</u></b></p> <p>WITH THE IMPOSITION OF STAFF'S RECOMMENDED CONDITIONS, THE PROPOSED USE WOULD BE CONSISTENT WITH OTHER CONVENIENCE STORES WITH GASOLINE PUMPS LOCATED ON THE NORTHEAST AND NORTHWEST CORNERS OF THIS INTERSECTION. IN ADDITION, THE SITE SHALL MEET THE REQUIREMENTS OF THE NEWLY ADOPTED LIGHTING ORDINANCE DESIGN STANDARDS TO MINIMIZE OFF-SITE GLARE AND ILLUMINATION.</p>
<b>STAFF FINDINGS</b>	<ul style="list-style-type: none"><li>• THE PROPERTY IS SERVED BY EXISTING WATER AND SEWER SERVICES.</li><li>• THERE ARE NO IDENTIFIED AREAS OF ENVIRONMENTAL CONCERN.</li><li>• THE PROPERTY IS A COMMERCIAL TRACT OF THE TRINITY CENTER PUD TO BE DEVELOPED FOR C-1 USES ACCORDING TO THE DEVELOPER'S COMMITMENT AGREEMENT.</li><li>• IN EVALUATING THIS REQUEST, STAFF HAS DETERMINED THE FOLLOWING:<ul style="list-style-type: none"><li>◦ THE PROPOSED USE WOULD NOT HAVE A SIGNIFICANT ADVERSE IMPACT ON EXISTING TRAFFIC PATTERNS, MOVEMENTS OR VOLUMES;</li></ul></li></ul>

	<ul style="list-style-type: none"><li>○ THE PROPOSED USE WOULD BE CONSISTENT WITH THE COMPREHENSIVE PLAN'S DESIGNATION OF HIP-TR FUTURE LAND USE FOR THE SUBJECT PROPERTY;</li><li>○ THE PROPOSED USE WOULD NOT ADVERSELY AFFECT THE PUBLIC INTEREST; AND</li><li>○ THE PROPOSED USE WOULD BE COMPATIBLE WITH THE COMMERCIAL CHARACTER OF DEVELOPMENT ALONG THIS SEGMENT OF W. STATE ROAD 426.</li></ul>
<b>STAFF RECOMMENDATION</b>	<p>BASED ON THE STATED FINDINGS, STAFF RECOMMENDS THE BOARD OF ADJUSTMENT APPROVE THE REQUEST FOR SPECIAL EXCEPTION WITH THE IMPOSITION OF THE FOLLOWING CONDITIONS:</p> <ul style="list-style-type: none"><li>○ HOURS OF OPERATION SHALL BE LIMITED TO 6:00 A.M. TO 12:00 A.M.; TRUCK DELIVERY HOURS SHALL BE LIMITED TO 7:00 A.M. TO 11:00 P.M.</li><li>○ ELECTRICAL EQUIPMENT FACING SOUTH OF THE BUILDING SHALL BE SCREENED WITH APPROPRIATE LANDSCAPING IF ON THE GROUND OR SCREENED WITH A PARAPET WALL IF ON THE ROOF OF THE BUILDING;</li><li>○ NO ILLUMINATED SIGNAGE SHALL BE ALLOWED ALONG THE SOUTHERN FACE OF THE PROPOSED BUILDING; ILLUMINATED SIGNS SHALL BE TURNED OFF WHEN THE BUSINESS IS CLOSED;</li><li>○ AUTOMOTIVE MECHANICAL REPAIRS SHALL BE PROHIBITED;</li><li>○ THE OUTDOOR STORAGE OF SUPPLIES, MATERIALS OR MERCHANDISE SHALL BE PROHIBITED;</li><li>○ THE SITE SHALL BE DEVELOPED IN ACCORDANCE WITH THE APPROVED DEVELOPER'S COMMITMENT AGREEMENT FOR THE TRINITY CENTER PUD;</li><li>○ AN ACTIVE SETBACK AND BUFFER SHALL APPLY ALONG THE SOUTH PROPERTY LINE, AS REQUIRED BY THE LAND DEVELOPMENT CODE; THE DUMPSTER DEPICTED ON THE PROPOSED SITE PLAN SHALL BE REMOVED FROM THE REQUIRED BUFFER.</li><li>○ THE PROPOSED RIGHT IN / RIGHT OUT DRIVEWAY SHALL BE DEPENDENT UPON FDOT APPROVAL; AND</li><li>○ THE PROPOSED USE SHALL OTHERWISE COMPLY WITH THE SEMINOLE COUNTY COMPREHENSIVE PLAN AND LAND DEVELOPMENT CODE.</li></ul>

**ATTACHMENTS:** TRINITY CENTER PUD DCA  
ZONING & FUTURE LAND USE MAPS  
CORRESPONDENCE  
APPLICATION FOR SPECIAL EXCEPTION  
SITE MAP  
PROPERTY APPRAISER REPORT  
PROPOSED DEVELOPMENT ORDER

PROPOSED SITE PLAN

MARYANNE MORSE, CLERK OF CIRCUIT COURT SEMINOLE COUNTY, CFN 2002902273 BK 04449 PG 1033 RECD 07/01/2002 11:55:06 AM RECD BY J Eskenroth

TRINITY RETAIL CENTER PUD

FINAL PUD MASTER PLAN  
DEVELOPER'S COMMITMENT AGREEMENT  
COMMITMENTS, CLASSIFICATIONS AND DISTRICT DESCRIPTION

On the 28th day of May 2002, the Board of County Commissioners of Seminole County issued this development Agreement relating to and touching and concerning the following described property:

1. LEGAL DESCRIPTION:

The E ¼ of the NW ¼ of the SE ¼ of Section 36, Township 21 South, Range 30 East, Seminole County, Florida, lying South of County Road Number 426

And

(TRACT B)

The East ¼ of the Northwest ¼ of the Southeast ¼ of section 36, Township 21 South, Range 30 East, Seminole County, Florida, lying South of County Road 426.

And/also

All that tract or parcel of land lying in a portion of the North 311 yards of the West 155 ½ yards of the Northeast ¼ of the Southeast ¼ of section 36, Township 21 South, range 30 East, Seminole County, Florida, being a portion of State Road 426 right-of-way and being more particularly described as follows:

Commencing at the Northwest corner of the Southeast ¼ of Section 36, Township 21 South, range 30 East; Thence N89 24'25"E along the North line of said Southeast ¼ a distance of 1323.74 feet to the Northwest corner of the Northeast ¼ of the Southeast ¼ of said Section 36; Thence S00 41'01"E along the west line of the Northeast ¼ of the Southeast ¼ of said Section 36 a distance of 69.80 feet to a point on the Southerly right-of-way of Aloma Avenue, also known as State Road 426 as shown on the right-of-way map prepared by the Florida Department of Transportation, Section Number 77080-2516; Thence N89 12'06"E along said Southerly right-of-way line a distance of 13.77 feet to a point; Thence S58 17'19"E along said right-of-way line a distance of 36.92 feet to the point of beginning; Thence N00 45'35"W, departing said right-of-way line, a distance of 3.50 feet to a point; thence S89 14'25"W a distance of 270.00 feet to a point; Thence S00 45'35"E a distance of 4.50 feet to a point on said Southerly right-of-way line; Thence S00 45'35"E a distance of 48.50 feet to a point; thence S89 14'25"W a distance of 270.00 feet to a point; thence N00 45'35"W a distance of 49.50 feet to the point of beginning. The last three (3) courses being coincident with said Southerly right-of-way line.

Containing 14,130 square feet or 0.329 acre more or less.

Containing 18.4731 Acres, more or less

CERTIFIED COPY

MARYANNE MORSE  
CLERK OF CIRCUIT COURT  
SEMINOLE COUNTY, FLORIDA

BY Eva Roach  
DEPUTY CLERK

RETURN TO SANDY MCCANN

2. **PROPERTY OWNERS**

Trinity Capital Limited  
c/o Euro Capital Partners  
175 Lookout Place, Suite 201  
Maitland, FL 32751

FLORIDA DEPARTMENT OF TRANSPORTATION,  
GEORGE M. GILHOOLEY, District 5 Director of Operations  
719 S. Woodland Blvd.  
Deland, Florida 32720

3. **STATEMENT OF BASIC FACTS**

- A. Total Area: 18.4731 Acres
- B. Zoning: Planned Unit Development
- C. Residential Density: Town Homes at a maximum of 11 units per net buildable acre or 168 units, whichever is less
- Commercial Uses: uses permitted in C-1 zoning
- D. The development approval sought is consistent with the Seminole County Comprehensive Plan and will be developed consistent with and in compliance with all other applicable regulations and ordinances.
- E. The Owners of the property have expressly agreed to be bound by and subject to the development conditions and commitments stated below and has covenanted and agreed to have such conditions and commitments run with, follow, and perpetually burden the aforescribed property.
- F. PUD Final Master Plan attached as Exhibit A.

4. **LAND USE BREAKDOWN**

LAND USE	AREA	% OF SITE
Multi-Family Residential	15.32	83%
Commercial	2.59	14%
FDOT Pond	.56	3%
Residential Open Space	5.56	36%

5. **OPEN SPACE AND RECREATION AREAS**

Total Residential Land Area: 15.32 acres

Required Open Space:  $35\% = 15.32 \text{ acres} \times 0.35 = 5.36 \text{ acres}$

Open Space provided, including pool/cabana, wet retention pond, children's play area, buffers and landscaped courtyard:

5.56 Acres

Open space within the Commercial parcels will be provided per Land Development Code requirements as these sites are developed.

6. **BUILDING SETBACKS**

Commercial out parcels – Per the C-1 - zoning district

Residential perimeter setbacks and buffers are indicated on the approved Master Plan. A 40' landscape building setback/buffer along the western property boundary was required during the preliminary master plan approval process.

7. **PERMITTED USES**

Commercial – uses listed as permitted in the C-1 zoning district.  
Residential –Townhomes

8. **LANDSCAPE & BUFFER CRITERIA**

*West Property Line:*

- There shall be a 40-foot building setback and a 40' buffer along the west property line. The buffer shall include the existing row of pine trees, an additional row of 4" caliper oak trees on 30-foot centers, and an additional row of understory trees spaced at 10-foot intervals.
- Balconies shall be prohibited on units closest to the western property line. The 6" block wall shall be upgraded or repaired as necessary by the developer.
- The wall shall not be installed adjacent to Lot 21 of Trinity Bay Subdivision Phase 2, comprising the south 175 feet of the west property line. Along this segment, the developer shall provide an aluminum fence permitting a view of the retention pond.

*Southern Property Line:*

- A 6-foot chain link fence shall be installed along the entire southern property line. This fence shall be vinyl-coated.

*Eastern Property Line:*

- Buffers per the Seminole County land development code.

*Northern Property Line:*

- Buffers per the Seminole County land development code.



9. DEVELOPMENT COMMITMENTS

1. The development will not be designed or marketed as student housing.
2. Front walls of townhouse units shall be staggered.
3. The 16-foot easement providing access to properties to the south shall retain its connection to SR 426, and shall be maintained at no less than its current capacity.
4. Dumpsters and mechanical units shall be located and/or screened so as not to be visible from SR 426 or Trinity Bay Subdivision.
5. The wet retention area shall be amenitized in accordance with the design criteria of Section 30.1344 of the Land Development Code in order to qualify as open space.
6. Parking spaces of 9½ feet in width shall be permitted on the commercial parcels only.
7. Commercial lots shall be subject to active/passive buffer standards on their south property line.
8. All landscape buffers and common areas within the residential portion of the development shall be maintained by a homeowners association.
9. No accessory buildings shall be allowed on individual townhouse lots.
10. The developer shall install a warning sign along S.R. 426 to notify eastbound vehicles of the traffic light at Tuskawilla Rd. The installation of this sign will be subject to FDOT approval.
11. The developer shall upgrade the traffic light at the intersection of S.R. 426 and Tuskawilla Rd. to accommodate westbound turning movements into the project, subject to approval by the Florida Department of Transportation.
12. The developer shall install a multiple lock box for mail pickup and delivery along the 16-foot easement. This mailbox shall be for the use of current residents who have mailboxes along the 16-foot easement.
13. The northern portion of the 16-foot easement shall be paved to provide access to the commercial and residential portions of the project. The remainder of the easement will be paved with a hard surface to the south boundary of the project. Maintenance of the paved road to the south of the project access points will be provided by the owners of properties to the south of the subject property.
14. In order to improve pedestrian safety along the 16-foot access road, the developer shall install a hedge along both sides of this road.
15. If unanimous consent from the easement holders is obtained, and such consent is verified by Planning staff, then the developer shall install a 6-foot wrought iron gate which is capable of being controlled from their homes.
16. A fountain/aerator shall be installed in the retention pond by the developer.
17. The project street lighting adjacent to the western property boundary will be limited to decorative lighting affixed to the fronts of the units.

18. Window openings on the second floor of units facing the western property boundary shall be frosted-opaque.

10. **WATER, SEWER AND STORMWATER**

**WATER:** Water services shall be provided by Seminole County.

**SANITARY SEWER:** Sanitary sewer shall be provided by Seminole County.

**STORMWATER:** Stormwater drainage and stormwater management shall be provided on-site according to Seminole County's regulations.

**FIRE PROTECTION:** Fire protection shall be provided by Seminole County. Fire flow will be a minimum of 1,250 gpm with 20 psi. Fire hydrant shall be located according to Seminole county regulations.

11. **PHASING**

The development will be constructed in 3 phases.

12. **STANDARD COMMITMENTS**

1. Unless specifically addressed otherwise herein, all development shall fully comply with all of the codes and ordinances, including impact fee ordinances, in effect in Seminole County at the time of permit issuance.
2. The conditions upon this development approval and commitments made as to this development approval have been accepted by and agreed to by the Owners of the property.
3. The Agreement touches and concerns the aforescribed property, and the conditions, commitments, and provisions of the Agreement shall perpetually burden, run with, and follow the said property and be a servitude upon and binding upon said property unless released in whole or by part by action of Seminole County by virtue of a document of equal dignity herewith. The Owners of said property have expressly covenanted and agreed to this provision and all other terms and provisions of the Agreement.
4. The terms and provisions of this Agreement are not severable, and in the event any portion of this Agreement shall be found to be invalid or illegal, then the entire Agreement shall be null and void.

ATTEST:

BOARD OF COUNTY COMMISSIONERS  
SEMINOLE COUNTY, FLORIDA



MARYANNE MORSE  
Clerk to the Board of County  
Commissioners of Seminole  
County, Florida

By:



DARYL G. McLAIN, Chairman

*Trinity Retail Center Rezoning*  
*(Pud/PCD) 22001-046*  
*Dw. Community Agent*

OWNER'S CONSENT AND COVENANT

The undersigned party hereby agrees to the terms and conditions set forth herein this  
17th day of May, 2002.

Janet Corlies Persons  
Witness

[Signature]  
Witness

[Signature]  
TRINITY CAPITAL LIMITED  
By: TRINITY CAPITAL INC., General Partner  
By: A.C. Leerdam, its Director

STATE OF FLORIDA

Orange  
COUNTY OF ~~SEMINOLE~~

The foregoing instrument was acknowledged before me this 17 day of  
May, 2002, by A.C. LEERDAM, who is the Director of Trinity Capital Inc.,  
which is the General Partner of Trinity Capital Limited, and is personally known to me or  
who has produced N/A as identification and who  
executed the foregoing instrument.

WITNESS my hand and official seal in Orange County, Florida this 17 day  
of 2002, 2002.

[Signature]

Notary Public, in and for the County and State Aforementioned

My Commission Expires:

PETER LEERDAM  
Notary Public, State of Florida  
My comm. exp. Mar. 1, 2005  
Comm. No. DD 005830

OWNER'S CONSENT AND COVENANT

COMES NOW, the owner, Florida Department of Transportation, George M. Gilhooley, Director of Operations, on behalf of itself and its heirs, successors, assigns or transferees of any nature whatsoever and has no objection and agrees to the zoning change. FDOT shall not be responsible for performing any conditions, terms, provisions or commitments contained in this document.

Nancy Landry

Witness NANCY LANDRY

George M. Gilhooley

FLORIDA DEPT. OF TRANSPORTATION

For: George M. Gilhooley, District 5  
Director of Operations

Linda Underhill  
Witness Linda Underhill

STATE OF FLORIDA

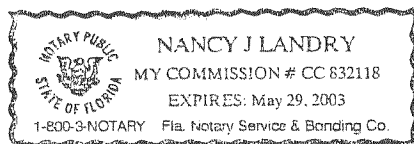
COUNTY OF SEMINOLE

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State and County aforesaid to take acknowledgments, personally appeared George M. Gilhooley, who is the District 5 Director of Operations for the Florida Department of Transportation, and (is personally known to me) or who has produced \_\_\_\_\_ as identification and who executed the foregoing instrument.

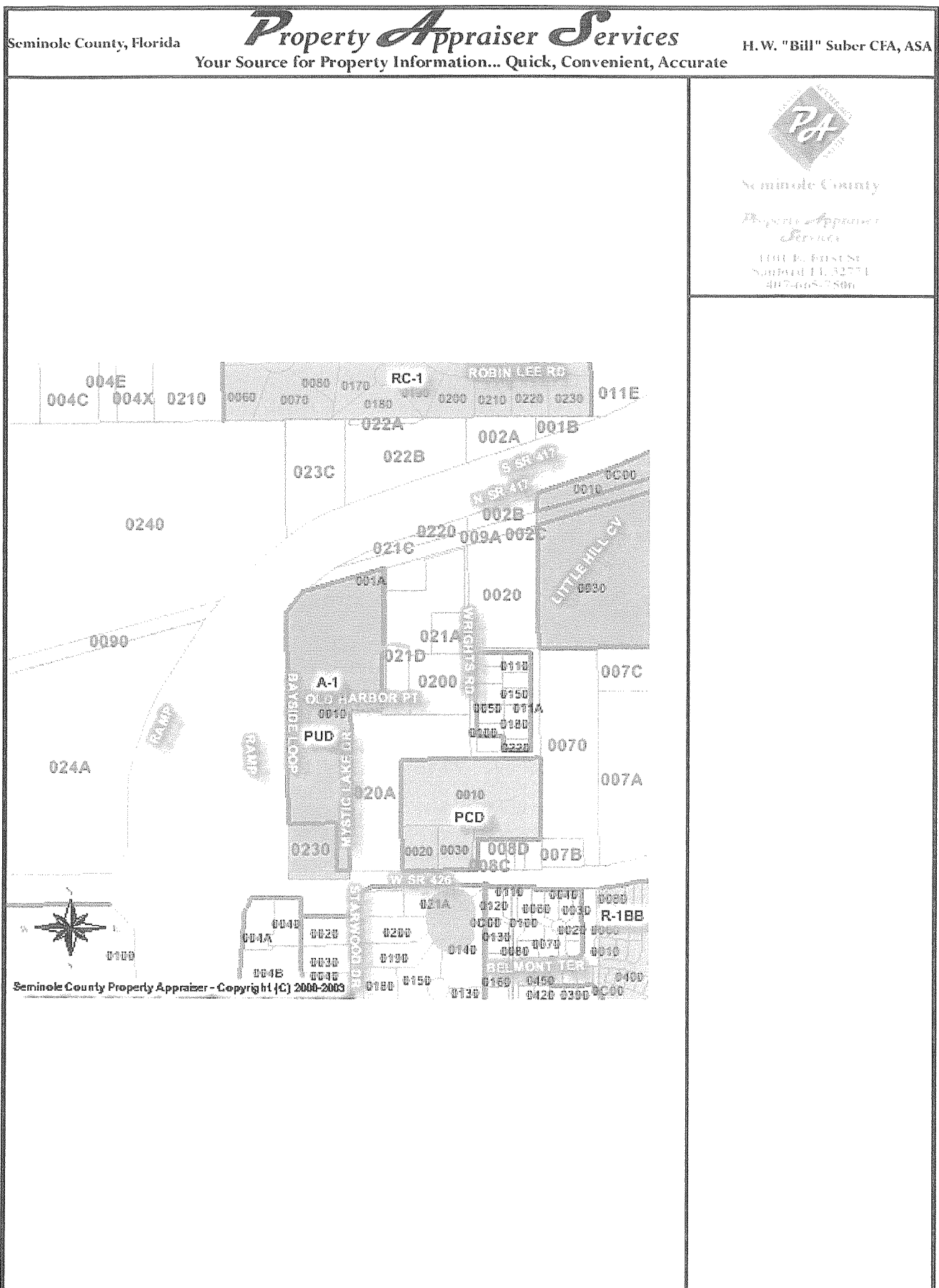
4<sup>th</sup> WITNESS my hand and official seal in the County and State last aforesaid this day of June 2002.

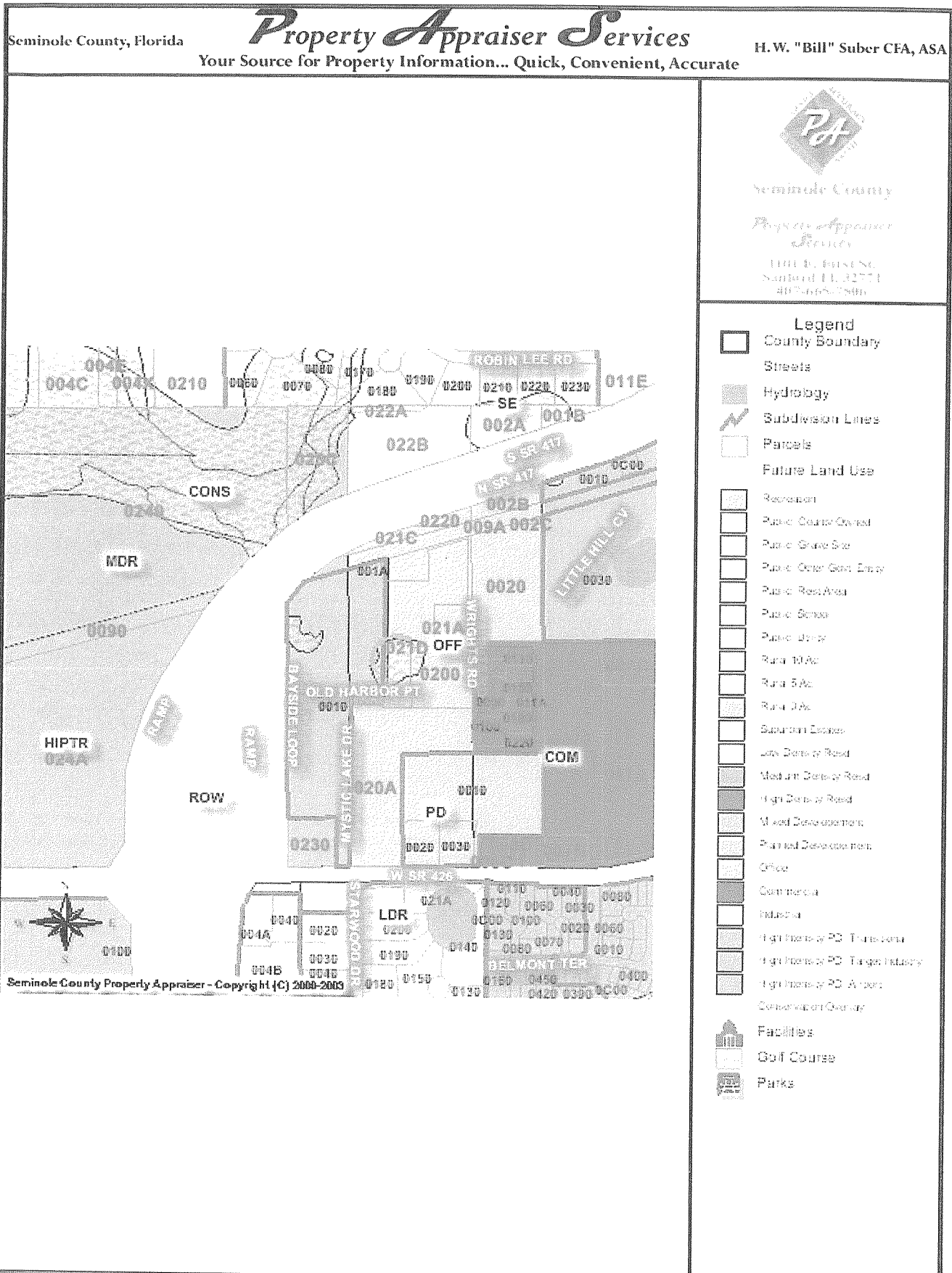
Nancy J. Landry

Notary Public, in and for the County and State Aforementioned



My Commission Expires:





RICHARD WOODRUFF HOMES, INC.  
P. O. BOX 4396  
WINTER PARK, FL 32793-4396

Commissioner Grant Maloy  
Seminole County Commissioner Dist 1  
Seminole County Government  
1101 East First Street  
Sanford, Florida 32771

Re: Objection to BS 2004-006  
Item 12 Public Hearing-Special Exceptions

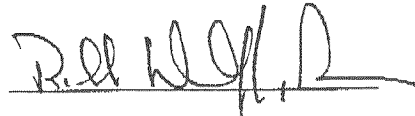
Commissioner Maloy:

I am writing with regard to BS 2004-006 Item 12 under Public Hearings-Special Exceptions which is currently scheduled to be heard on April 26, 2004. I strongly oppose the requested variance as this change in land use, if granted will have an adverse effect on the community and quality of life for surrounding residents.

As a custom home builder, and developer I can appreciate the need for growth and development; however this growth must not only be reasonable, it must be compatible with the surrounding community and should promote the best interests and welfare of the residents. The proposed special exception would permit the petitioners to proceed with the construction of a convenience store and gas station at the corner of Tusawilla Road and West 426. The erection of a third gas station at this corner is unnecessary and will further contribute to congestion, which will negatively impact the community.

In addition, I personally reside less than one mile from the proposed site, and as a homeowner and father of three children, I do not agree with the further commercialization of this intersection.

Thank you for your consideration in this matter.



cc: Matthew West  
Planning & Development  
1101 E. First St.  
Sanford, FL 32771





**COPY**

APPL. NO. BS 2004-006

**APPLICATION TO THE SEMINOLE COUNTY BOARD OF ADJUSTMENT**

Applications to the Seminole County Board of Adjustment shall include all applicable items listed in the Board of Adjustment Process Checklist. No application will be scheduled for Board of Adjustment consideration until a complete application (including all information requested below) has been received by the Planning & Development Department, Planning Division.

APPLICATION TYPE:

- ☐ **VARIANCE**
- ☒ **SPECIAL EXCEPTION** FOR USE OF PROPERTY AS A CONVENIENCE STORE WITH GAS PUMPS, RETAIL SPACE & CAR WASH ON A PUD PARCEL
- ☐ **MOBILE HOME SPECIAL EXCEPTION**
- ☐ EXISTING ☐ PROPOSED ☐ REPLACEMENT
- MOBILE HOME IS FOR \_\_\_\_\_
- YEAR OF MOBILE HOME \_\_\_\_\_ SIZE OF MOBILE HOME \_\_\_\_\_
- ANTICIPATED TIME MOBILE HOME IS NEEDED \_\_\_\_\_
- PLAN TO BUILD ☐ YES ☐ NO IF SO, WHEN \_\_\_\_\_
- MEDICAL HARDSHIP ☐ YES (LETTER FROM DOCTOR REQUIRED) ☐ NO
- ☐ **APPEAL FROM DECISION OF THE PLANNING MANAGER**

	PROPERTY OWNER	AUTHORIZED AGENT *
NAME	TRINITY CAPITAL LTD	MICAH SAVELL
ADDRESS	TRINITY CAPITAL LTD	11050 COURTENAY PKWY
	SEND EVERYTHING TO AGENT	MERRIT ISLAND, FL 32952
PHONE 1		WORK - 321-452-5300
PHONE 2		CELL - 321-961-4144
E-MAIL		mg.savell@earthlink.net

PROJECT NAME: FF ALOMA CARWASH

SITE ADDRESS: SE CORNER OF TUSKAWILLA & W SR 426

CURRENT USE OF PROPERTY: VACANT

LEGAL DESCRIPTION: SEE PROP. APPR. SHEET & FULL LEGAL DESC. ATTACHED

SIZE OF PROPERTY: 2.69 acre(s) PARCEL I.D. 30-21-30-513-0000-0018

UTILITIES: ☐ WATER ☐ WELL ☐ SEWER ☐ SEPTIC TANK ☐ OTHER \_\_\_\_\_

KNOWN CODE ENFORCEMENT VIOLATIONS NONE

IS PROPERTY ACCESSIBLE FOR INSPECTION ☒ YES ☐ NO

This request will be considered at the Board of Adjustment regular meeting on APR 26, 2004 6 P.M. (mo/day/yr), in the Board Chambers (Room 1028) at 6:00 p.m. on the first floor of the Seminole County Services Building, located at 1101 East First Street in downtown Sanford, FL.

I hereby affirm that all statements, proposals, and/or plans submitted with or contained within this application are true and correct to the best of my knowledge.

See alternate application

SIGNATURE OF OWNER OR AGENT

DATE

\* Proof of owner's authorization is required with submittal if signed by agent.

# ADDITIONAL VARIANCES

VARIANCE 2:

VARIANCE 3:

VARIANCE 4:

VARIANCE 5:

VARIANCE 6:

VARIANCE 7:

VARIANCE 8:

## APPEAL FROM BOA DECISION TO BCC

	PROPERTY OWNER	AUTHORIZED AGENT *
NAME		
ADDRESS		
PHONE 1		
PHONE 2		
E-MAIL		

NATURE OF THE APPEAL

BCC PUBLIC HEARING DATE

FOR OFFICE USE ONLY

### PROCESSING:

FEE: \$370 COMMISSION DISTRICT 1 FLU/ZONING HIP-TR/PUD  
 LOCATION FURTHER DESCRIBED AS ON THE SE CORNER OF INTERSECTION OF TUSKAWILLA RD  
 AND W SR 426

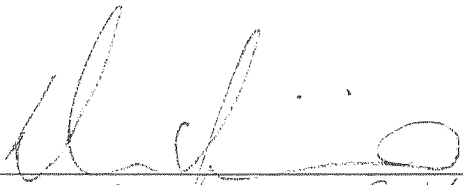
PLANNER VB DATE MAR 5, 2004

SUFFICIENCY COMMENTS

## Authorization to Act as Agent

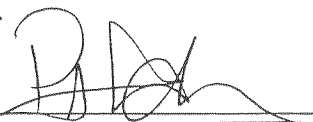
I, A.C. Leerdam, Director of Trinity Capital, Inc., which serves as the General Partner of Trinity Capital Limited., authorize RK Engineering and Associates, Inc. and/or Micah Savell to act as my agent, representing me in submitting the Special Exception to the Board of Adjustment for the project named "Water Whirled Car Wash and Convenience Store, Aloma and Tuskawilla".

  
A.C. Leerdam

  
Witness Dean C. Yanilos

### STATE OF FLORIDA COUNTY OF ORANGE

THE FOREGOING INSTRUMENT was acknowledged before me this  
05 day of March 2004, by A.C. Leerdam who is personally  
known to me and who did not take an oath.

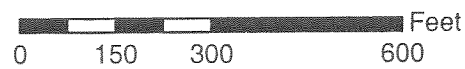
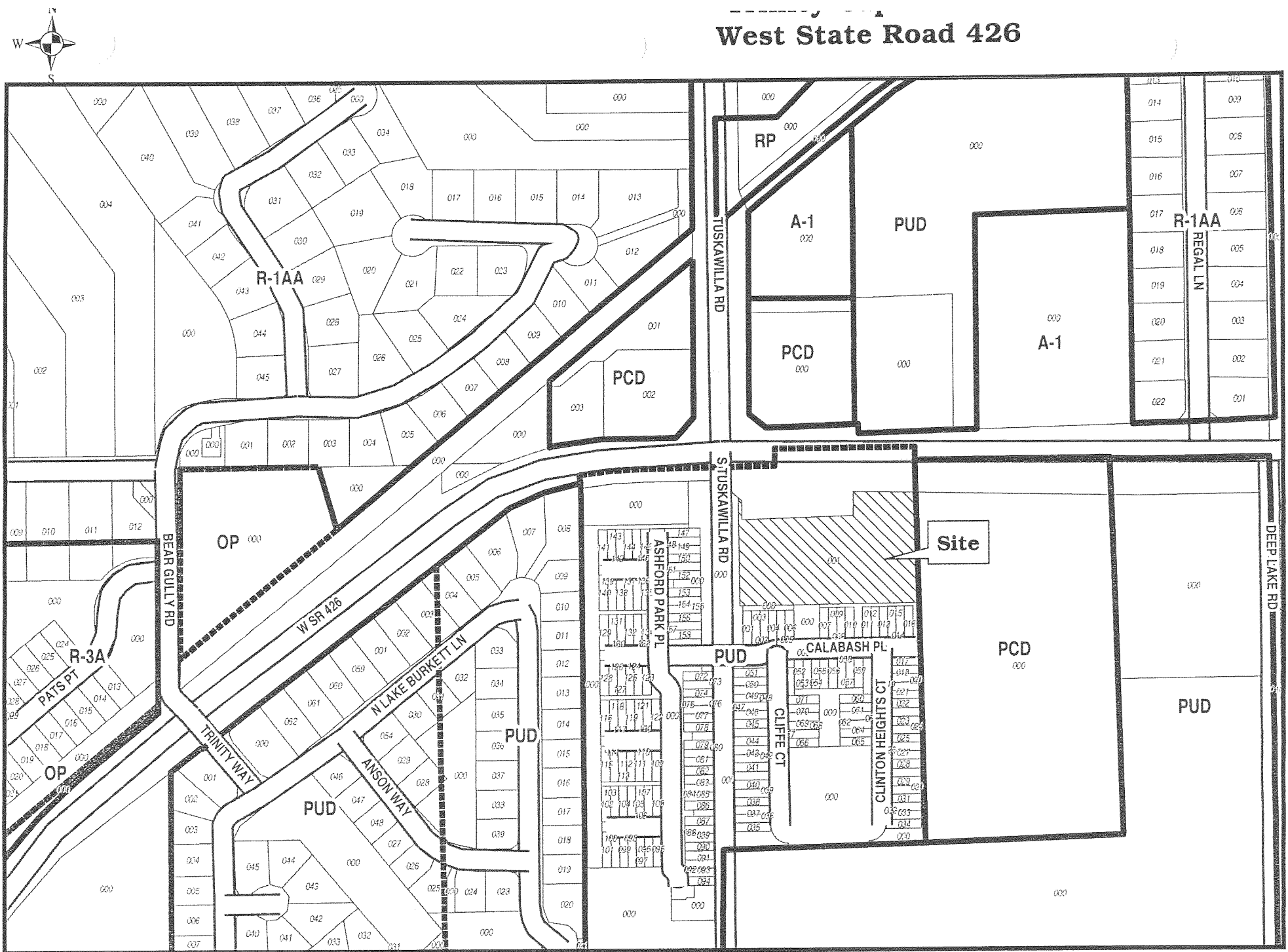
  
Notary Public Signature


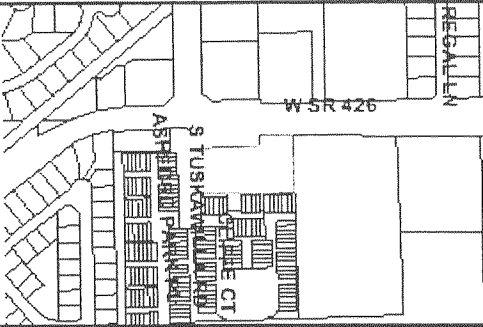
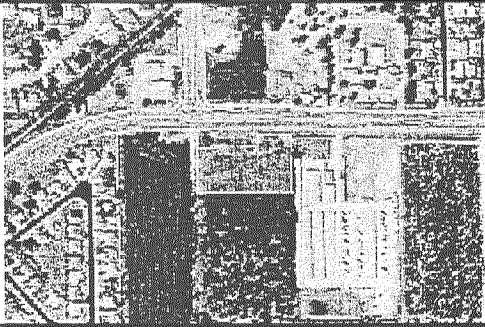
My Commission Expires:

Peter Leerdam  
Print Notary Name

PETER LEERDAM  
Notary Public, State of Florida  
My comm. exp. Mar. 1, 2005  
Comm. No. DD 005830

# West State Road 426



PARCEL DETAIL		REAL ESTATE	PERSONAL PROP.	TAX ROLL	SALES SEARCH	◀ ◁ Back ▷ ▶												
 <p><b>Seminole County</b> Property Appraiser Services 1101 E. First St. Sanford FL 32771 407-665-7506</p>																		
<b>GENERAL</b> Parcel Id: 36-21-30-513-0000-0010      Tax District: 01-TX DIST 1 - COUNTY Owner: TRINITY CAPITAL LIMITED      Exemptions: Own/Addr: C/O EURO CAPITAL PARTNERS Address: 175 LOOKOUT PL STE 201 City,State,ZipCode: MAITLAND FL 32751 Property Address: Facility Name: Dor: 10-VAC GENERAL-COMMERCIAL				<b>2004 WORKING VALUE SUMMARY</b> Value Method: Market Number of Buildings: 0 Depreciated Bldg Value: \$0 Depreciated EXFT Value: \$0 Land Value (Market): \$197,762 Land Value Ag: \$0 Just/Market Value: \$197,762 Assessed Value (SOH): \$197,762 Exempt Value: \$0 Taxable Value: \$197,762														
<b>SALES</b> Deed Date Book Page Amount Vac/Imp Find Comparable Sales within this DOR Code				<b>2003 VALUE SUMMARY</b> 2003 Tax Bill Amount: \$3,390 2003 Taxable Value: \$197,762 DOES NOT INCLUDE NON-AD VALOREM ASSESSMENTS														
<b>LAND</b> <table border="1"> <thead> <tr> <th>Land Assess Method</th> <th>Frontage</th> <th>Depth</th> <th>Land Units</th> <th>Unit Price</th> <th>Land Value</th> </tr> </thead> <tbody> <tr> <td>SQUARE FEET</td> <td>0</td> <td>0</td> <td>98,881</td> <td>2.00</td> <td>\$197,762</td> </tr> </tbody> </table>				Land Assess Method	Frontage	Depth	Land Units	Unit Price	Land Value	SQUARE FEET	0	0	98,881	2.00	\$197,762	<b>LEGAL DESCRIPTION PLAT</b> LOT 1 TRINITY CENTER PB 61 PGS 92 & 93		
Land Assess Method	Frontage	Depth	Land Units	Unit Price	Land Value													
SQUARE FEET	0	0	98,881	2.00	\$197,762													
<p><b>NOTE:</b> Assessed values shown are NOT certified values and therefore are subject to change before being finalized for ad valorem tax purposes.            *** If you recently purchased a homesteaded property your next year's property tax will be based on Just/Market value.</p>																		

**SEMINOLE COUNTY APPROVAL DEVELOPMENT ORDER**

On April 26, 2004, Seminole County issued this Development Order relating to and touching and concerning the following described property:

LOT 1 TRINITY CENTER PB 61 PGS 92 & 93

(The aforescribed legal description has been provided to Seminole County by the owner of the aforescribed property.)

**FINDINGS OF FACT**

**Property Owner:** TRINITY CAPITAL LIMITED  
175 LOOKOUT PLACE, SUITE 201  
MAITLAND, FL 32751

**Project Name:** SE CORNER OF TUSKAWILLA & W SR 426

**Requested Development Approval:**

SPECIAL EXCEPTION TO ESTABLISH GASOLINE PUMPS AS AN ACCESSORY USE IN THE PUD (PLANNED UNIT DEVELOPMENT DISTRICT) WITH C-1 USES AT LOT 1 TRINITY RETAIL CENTER ON WEST S.R. 426, AS DEPICTED ON THE ATTACHED SITE PLAN.

The Development Approval sought is consistent with the Seminole County Comprehensive Plan and will be developed consistent with and in compliance to applicable land development regulations and all other applicable regulations and ordinances.

The owner of the property has expressly agreed to be bound by and subject to the development conditions and commitments stated below and has covenanted and agreed to have such conditions and commitments run with, follow and perpetually burden the aforescribed property.

Prepared by: Francisco Torregrosa  
1101 East First Street  
Sanford, Florida 32771

### Order

#### NOW, THEREFORE, IT IS ORDERED AND AGREED THAT:

(1) The aforementioned application for development approval is **GRANTED**.

(2) All development shall fully comply with all of the codes and ordinances in effect in Seminole County at the time of issuance of permits including all impact fee ordinances.

(3) The conditions upon this development approval and the commitments made as to this development approval, all of which have been accepted by and agreed to by the owner of the property are as follows:

1. HOURS OF OPERATION SHALL BE LIMITED TO 6:00 A.M. TO 12:00 A.M.; TRUCK DELIVERY HOURS OF OPERATION SHALL BE LIMITED TO 7:00 A.M. TO 11:00 P.M.;
2. ELECTRICAL EQUIPMENT FACING SOUTH OF THE BUILDING SHALL BE SCREENED WITH APPROPRIATE LANDSCAPING IF ON THE GROUND OR SCREENED WITH A PARAPET WALL IF ON THE ROOF OF THE BUILDING;
3. NO ILLUMINATED SIGNAGE SHALL BE ALLOWED ALONG THE SOUTHERN FACE OF THE PROPOSED BUILDING; ILLUMINATED SIGNS SHALL BE TURNED OFF WHEN THE BUSINESS IS CLOSED;
4. AUTOMOTIVE MECHANICAL REPAIRS SHALL BE PROHIBITED;
5. THE OUTDOOR STORAGE OF SUPPLIES, MATERIALS OR MERCHANDISE SHALL BE PROHIBITED;
6. THE SITE SHALL BE DEVELOPED IN ACCORDANCE WITH THE APPROVED DEVELOPER'S COMMITMENT AGREEMENT FOR THE TRINITY CENTER PUD;
7. AN ACTIVE SETBACK AND BUFFER SHALL APPLY ALONG THE SOUTH PROPERTY LINE, AS REQUIRED BY THE LAND DEVELOPMENT CODE;
8. PRIOR TO FINAL SITE PLAN APPROVAL, A LISTED SPECIES SURVEY SHALL BE REQUIRED TO ADDRESS THE POTENTIAL OCCURRENCE OF GOPHER TORTOISES ON THE SITE;
9. THE PROPOSED RIGHT IN / RIGHT OUT DRIVEWAY SHALL BE DEPENDENT UPON FDOT APPROVAL; AND
10. THE PROPOSED USE SHALL OTHERWISE COMPLY WITH THE SEMINOLE COUNTY COMPREHENSIVE PLAN AND LAND DEVELOPMENT CODE.

(4) This Development Order touches and concerns the aforescribed property and the conditions, commitments and provisions of this Development Order shall perpetually burden, run with and follow the said property and be a servitude upon and binding upon said property unless released in whole or part by action of Seminole

County by virtue of a document of equal dignity herewith. The owner of the said property has expressly covenanted and agreed to this provision and all other terms and provisions of this Development Order.

(5) The terms and provisions of this Order are not severable and in the event any portion of this Order shall be found to be invalid or illegal then the entire order shall be null and void.

**Done and Ordered on the date first written above.**

By: \_\_\_\_\_  
Matthew West  
Planning Manager

**STATE OF FLORIDA     )**  
**COUNTY OF SEMINOLE )**

**I HEREBY CERTIFY** that on this day, before me, an officer duly authorized in the State and County aforesaid to take acknowledgments, personally appeared \_\_\_\_\_ who is personally known to me or who has produced \_\_\_\_\_ as identification and who executed the foregoing instrument.

**WITNESS** my hand and official seal in the County and State last aforesaid this \_\_\_\_\_ day of \_\_\_\_\_, 2004.

\_\_\_\_\_  
Notary Public, in and for the County and State  
Aforementioned

My Commission Expires:



## OWNER'S CONSENT AND COVENANT

**COMES NOW**, the owner, TRINITY CAPITAL LIMITED, on behalf of itself and its heirs, successors, assigns or transferees of any nature whatsoever and consents to, agrees with and covenants to perform and fully abide by the provisions, terms, conditions and commitments set forth in this Development Order.

Witness

AUTHORIZED AGENT,  
TRINITY CAPITAL LIMITED

Witness

STATE OF FLORIDA )

)

COUNTY OF SEMINOLE )

**I HEREBY CERTIFY** that on this day, before me, an officer duly authorized in the State and County aforesaid to take acknowledgments, personally appeared Insert Name who is personally known to me or who has produced as identification and who did take an oath.

**WITNESS** my hand and official seal in the County and State last aforesaid this \_\_\_\_\_ day of \_\_\_\_\_, 2004.

Notary Public, in and for the County and State  
Aforementioned

My Commission Expires:

